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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,538	11/30/2001	John R. Fredlund	83539DAN	9143

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EXAMINER

JAIN, ANIL KUMAR

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,538	Applicant(s) FREDLUND ET AL.	
	Examiner Anil K. Jain	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-14, 17-25 and 28-33 is/are rejected.
- 7) ☐ Claim(s) 8-10, 15, 16, 26, 27 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten signature

DETAILED ACTION

Drawings

1. New corrected drawing in compliance with 37 CFR 1.121(d) is required in this application because **"Fig. 1 is not clear". Please label all the part numbers with descriptions (like what is # 19, 12, 10 and other numbers) and makes the drawings clearer, e. g. numbers 14, 16, 18, 20.**

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11, 13-14, 18-20, 22-25, & 28, 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Braudaway et al (U.S. Patent 5,530,759).

2. With respect to independent claim 1, Braudaway teaches in Fig. 1, a method of providing human visible information (114, a watermark; col.4, lines 52-53, in a preferred embodiment of the invention, the water image is a monochrome image, a

human visible information) on an image (102), the method comprising the steps of selecting a location (fig. 1, 112 & 116, when the image is been processed and a watermark is to be placed on the image that implies a location has been selected) on an image for human visible information; analyzing pixels of the image (fig. 2, 204) at said location that will be used to create the human visible information to determine pixel values of said analyzed pixels; adjusting the pixel values of said analyzed pixels by a predetermined amount (col. 5, lines 27-28, the conversion is preferably accomplished by means of a look-up table, fig. 2, 203, 206, and the amount of pixels can be chosen) and printing the image with said human visible information thereon (fig. 2, Output Pixel, Watermarked Image), wherein said human visible information is presented with pixel values (fig. 2, 214, 215) which are different from pixel values of an image area which surrounds said human visible information.

3. With respect to dependent claim 2, Braudaway teaches in (col. 5, lines 27-28, the conversion is preferably accomplished by means of a look-up table, fig. 2, 203, 206, and the amount of pixels can be chosen, increased or decreased: col. 5, lines 9-14, pixel values 0-127 are to be darkened and values from 129-255 are to be brightened) showing that the values of the analyzed pixels can be adjusted) a method according to claim 1, wherein said adjusting step comprises increasing the pixel values of said analyzed pixels.

4. With respect to dependent claim 3, Braudaway teaches in (col. 5, lines 27-28, the conversion is preferably accomplished by means of a look-up table, fig. 2, 203, 206,

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and the amount of pixels can be chosen, increased or decreased: col. 5, lines 9-14, pixel values 0-127 are to be darkened and values from 129-255 are to be brightened) showing that the values of the analyzed pixels can be adjusted) a method according to claim 1, wherein said adjusting step comprises decreasing the pixel values of said analyzed pixels.

5. With respect to dependent claim 4, Braudaway teaches in (col. 4, lines 64-67, three eight-bit samples may describe one of 256 levels of red, one of 256 levels of green, and one of 256 levels of blue for a color image; col. 5, line 66, fig. 2, 214, the final scale factor used to scale the pixel is calculated) a method according to claim 1, wherein said adjusting step comprises changing the pixel value (col. 5, line 30, for a color image, the output of block 202 fig. 2, is the set of linearized R, G, B values of the pixel) of at least one color channel of said analyzed pixels.

6. With respect to dependent claim 5, Braudaway teaches in (col. 7 lines 1-8, for color images, the watermarking procedure is essentially the same, except the linear brightness of each pixel must be extracted from some combination) a method according to claim 1, wherein said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts (col. 5, line 30, for a color image, the output of block 202 fig. 2, is the set of linearized R, G, B values of the pixel) in each color channel.

7. With respect to dependent claim 6, Braudaway teaches in (col. 5, lines 24-25, in fig. 2, 202, the original image pixels are converted to a linear brightness scale 209) a

method according to claim 1, wherein said adjusting step comprises adjusting the pixel values of said analyzed pixels by different amounts according to a value of an original pixel.

8. With respect to dependent claim 11, Braudaway teaches in (fig. 1, 112, 116 that the image is processed, so this step means a portion of the image is been analyzed) a method according to claim 1, wherein said analyzing step comprises analyzing a portion of the image.

9. With respect to dependent claim 13, Braudaway teaches in (col. 4, lines 46-47, the system can then display, "in this embodiment col. 4, lines 52-53, the watermark image is a monochrome image, meaning it is human visible and human detectable"; the images on a display device 124 or print the images), a method according to claim 1, wherein said human visible information is human readable and/or human detectable.

10. With respect to independent claim 14, further to the rationale provided in rejection of claim 1, Braudaway teaches in (fig. 1), a computer device (104) adapted to analyze pixels of an image (112) that will be used create human visible information to determine pixel values of said analyzed pixels, said computer device being further adapted to adjust the analyzed pixel values of said pixels by a predetermined amount (col. 5, lines 27-28, the conversion is preferably accomplished by means of a look-up table, fig. 2, 203, 206, and the amount of pixels can be chosen); and a printing device (126) adapted to print the image with said human visible information thereon, wherein

said human visible information (118) is printed with pixel values that differ from pixel values of an image area which surrounds the human visible information.

11. With respect to claim 18 see the rationale provided in rejection of claim 13.
12. With respect to independent claim 19 see the rationale provided in rejection of claim 14.
13. With respect to independent claim 20 see the rationale provided in rejection of claim 14. Braudaway further teaches in (fig. 1, 108 image storage and 106 working storage) a storage device adapted to store the image with said human visible information thereon, wherein said human visible information is stored with pixel values that differ from pixel values (image storage after image processing 116 has taken place) of an image area which surrounds the human visible information.
14. With respect to claim 22 see the rationale provided in rejection of claim 13.
15. With respect to claim 23 see the rationale provided in rejection of claim 1.
16. With respect to claim 24 see the rationale provided in rejection of claim 2.
17. With respect to claim 25 see the rationale provided in rejection of claim 3.
18. With respect to claim 28 see the rationale provided in rejection of claim 11.
19. With respect to claim 30 see the rationale provided in rejection of claim 13.
20. With respect to claim 31 see the rationale provided in rejection of claim 5.
21. With respect to claim 32 see the rationale provided in rejection of claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 17, 21 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braudaway (U. S. Patent No. 5,530,759) as applied to claims 1, 14, 20 & 23 above, and further in view of Hatakenaka et al (U. S. Patent No. 6,563,542).

22. With respect to dependent claims 12, 17 & 29 Braudaway does not teach, wherein said human visible information is at least one of a number, a URL, a bar code, APS IX frame titles, text graphics, a password, a company logo and a crop box on front of the print.

Hatakenaka discloses in Figs. 6A, 6B, 6C, 6D and 7 that the human visible information can at least be a number 'date' on front of a print.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include numbers for Braudaway's watermark information.

The motivation would be for identification purpose (col. 2, line 47).

With respect to dependent claim 21, Braudaway does not teach, wherein said computer device comprises a digital camera.

Hatakenaka discloses in Figs. 1, 2 & 3, that the computer device can be a digital camera.

✓

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a digital camera in Braudaway's invention.

The motivation would be to analyze the digital images instantaneously.

23. Claims 7 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braudaway as applied to claims 1 & 23 above.

Considering dependent claims 7 & 33 Braudaway discloses (col. 5, lines 6-15, pixel values 0-127 are to be darkened and values from 129-255 are to be brightened) showing that the values of the analyzed pixels can be adjusted.

However, Braudaway fails to specifically disclose 'adjusting the pixel values of said analyzed pixels by less than 10% of full scale'.

As is obvious from the above discussion that the analyzed pixel values can be adjusted by any desired amount of the scale. It would have been obvious to one of ordinary skill in the art to select less than 10% of the full scale because this would not significantly deteriorate the image.

Allowable Subject Matter

Claims 8-10, 15-16, 26-27 & 34 are objected to as being dependent upon rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

24. Regarding dependent claims 8, 15 & 26 prior art fails to mention 'optimum location for said human visible information based on a spatial analysis of said image'.

✓

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil K. Jain whose telephone number is 571-272-5510.


The examiner can normally be reached between the hours of 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ

September 27, 2005


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
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